

**OPINION
55-111**

November 30, 1955 (OPINION)

SPEED LAWS

RE: State Highways Within Municipal Limits

We acknowledge receipt of your letter of November 15, 1956, requesting an opinion with regard to the authority to establish speed limitations on portions of state highways within the corporate boundaries of municipalities.

There is some doubt as to the intent of the Legislature in adopting measures such as section 3 of Chapter 254, S.L. 1955, which apparently grant to the Highway Commissioner and the Superintendent of the State Highway Patrol, complete control over the determining and declaring of speed limitations "upon any part" of the state highways, but amendments and repeals by inference are not favored.

It is therefore the opinion of this office that the regulation of the speed of vehicles on a state highway within the limits of a municipal corporation is within the power of both the Highway Commissioner with the Superintendent of the State Highway Patrol and the governing body of the municipality as granted in subsection 18 of section 40-0501 of the N.D.R.C. of 1943.

LESLIE R. BURGUM

Attorney General